

BUSINESS REPORT

**MONTANA SENATE
61st LEGISLATURE - REGULAR SESSION**

SENATE NATURAL RESOURCES COMMITTEE

Date: Monday, February 16, 2009
Place: Capitol

Time: 3:00 pm
Room: 422

BILLS and RESOLUTIONS HEARD:

Prefix (HB, HR, HJR, SB, SR, or SJR) and number. Add Postponed (PP) when appropriate:

SB 396, SB 437, SB 440, SB 451, SJ 21

SB 396 SB 440 SJ 21
SB 437 SB 451

EXECUTIVE ACTION TAKEN:

Prefix (HB, HR, HJR, SB, SR, or SJR) and number. Enter P(pass) F(failed) DPAA (do pass as amended) BC(be concurred in) BCAA (be concurred in as amended):

SB 451 P SB ^{36P}~~38P~~ P
SB 306 DPAA SB 303 DPAA
SB 437 P
SB 307 Tabled.

COMMENTS:

Kelly Gebhardt
SEN. Kelly Gebhardt, Chairman

MONTANA STATE SENATE
Roll Call
NATURAL RESOURCES COMMITTEE

DATE: February 16, 2009

<u>NAME</u>	<u>PRESENT</u>	<u>ABSENT/ EXCUSED</u>
SENATOR KELLY GEBHARDT, CHAIR	✓	
SENATOR DEBBY BARRETT, VICE CHAIR	✓	
SENATOR AUBYN CURTISS	✓	
SENATOR KEN HANSEN	✓	
SENATOR CHRISTINE KAUFMANN	✓	
SENATOR JIM KEANE		E
SENATOR GARY PERRY	✓	
SENATOR JIM PETERSON		E
SENATOR DONALD STEINBEISSER	✓	
SENATOR MITCH TROPILA	✓	
SENATOR DAVID WANZENRIED	✓	



SENATE STANDING COMMITTEE REPORT

February 17, 2009

Page 1 of 1

Mr. President:

We, your committee on **Natural Resources** recommend that **Senate Bill 451** (first reading copy -- white) **do pass**.

Signed: _____

Kelly Gebhardt

Senator Kelly Gebhardt, Chair

- END -

Committee Vote:

Yes 11, No 0

Fiscal Note Required ☐

SB0451001SC.sdr

DR



SENATE STANDING COMMITTEE REPORT

February 17, 2009

Page 1 of 3

Mr. President:

We, your committee on **Natural Resources** recommend that **Senate Bill 306** (first reading copy -- white) **do pass as amended.**

Signed: _____

Kelly Gebhardt
Senator Kelly Gebhardt, Chair

And, that such amendments read:

1. Title, page 1, line 5.

Strike: "SECTION"

Insert: "SECTIONS"

Following: "76-3-103"

Insert: "AND 76-3-609"

2. Page 1, line 9 through line 10.

Strike: "A" on line 9 through "remainder" on line 10

Insert: "Only one remainder may be created from a subdivision or the use of an exemption under 76-3-201 or 76-3-207"

3. Page 1, line 12.

Strike: "immediate transfer"

Insert: "sale, lease, or creating a security interest under 76-3-201(1)(b) "

4. Page 1, line 13.

Strike: "1 year"

Insert: "18 months"

5. Page 1, line 21.

Strike: "subdivider resides"

Insert: "subdivider's primary residence is"

6. Page 1, line 22 through line 23.

Strike: "subdivider" through "remainder;" on line 23

Committee Vote:

Yes 6, No 5

Fiscal Note Required ☐

SB0306001SC.sdr

OK

Insert: "remainder is taxed for agricultural purposes under Title 76, chapter 2, part 9; or"

7. Page 1, line 24 through line 30.

Strike: ";" on line 24 through "or" on line 25

Insert: "."

8. Page 1, line 26 through line 27.

Strike: line 26 through line 27 in their entirety

9. Page 4.

Following: line 8

Insert: "Section 3. Section 76-3-609, MCA, is amended to read:

"76-3-609. Review procedure for minor subdivisions -- determination of sufficiency of application -- governing body to adopt regulations. (1) Minor subdivisions must be reviewed as provided in this section and subject to the applicable local regulations adopted pursuant to 76-3-504.

(2) If the tract of record proposed to be subdivided has not been subdivided or created by a subdivision under this chapter or has not resulted from a tract of record that has had more than five parcels created from that tract of record under 76-3-201, or 76-3-207, or [section 1] since July 1, 1973, then the proposed subdivision is a first minor subdivision from a tract of record and, when legal and physical access to all lots is provided, must be reviewed as follows:

(a) Except as provided in subsection (2)(b), the governing body shall approve, conditionally approve, or deny the first minor subdivision from a tract of record within 35 working days of a determination by the reviewing agent or agency that the application contains required elements and sufficient information for review. The determination and notification to the subdivider must be made in the same manner as is provided in 76-3-604(1) through (3).

(b) The subdivider and the reviewing agent or agency may agree to an extension or suspension of the review period, not to exceed 1 year.

(c) Except as provided in subsection (2)(d)(iii), an application must include a summary of the probable impacts of the proposed subdivision based on the criteria described in 76-3-608(3).

(d) The following requirements do not apply to the first minor subdivision from a tract of record as provided in subsection (2):

(i) the requirement to prepare an environmental assessment;
(ii) the requirement to hold a hearing on the subdivision application pursuant to 76-3-605; and

(iii) the requirement to review the subdivision for the criteria contained in 76-3-608(3)(a) if the minor subdivision is proposed in the portion of a jurisdictional area that has adopted

zoning regulations that address the criteria in 76-3-608(3)(a).

(e) The governing body may adopt regulations that establish requirements for the expedited review of the first minor subdivision from a tract of record. The following apply to a proposed subdivision reviewed under the regulations:

(i) 76-3-608(3); and

(ii) the provisions of Title 76, chapter 4, part 1, whenever approval is required by those provisions.

(3) Except as provided in 76-3-616 and subsection (4) of this section, any minor subdivision that is not a first minor subdivision from a tract of record, as provided in subsection (2), is a subsequent minor subdivision and must be reviewed as provided in 76-3-601 through 76-3-605, 76-3-608, 76-3-610 through 76-3-614, and 76-3-620.

(4) The governing body may adopt subdivision regulations that establish requirements for review of subsequent minor subdivisions that meet or exceed the requirements that apply to the first minor subdivision, as provided in subsection (2) and this chapter.

(5) (a) Review and approval, conditional approval, or denial of a subdivision under this chapter may occur only under those regulations in effect at the time that a subdivision application is determined to contain sufficient information for review as provided in subsection (2).

(b) If regulations change during the period that the application is reviewed for required elements and sufficient information, the determination of whether the application contains the required elements and sufficient information must be based on the new regulations.""

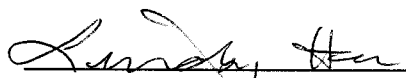
Renumber: subsequent section

- END -

COMMITTEE FILE COPY

TABLED BILL

The **SENATE NATURAL RESOURCES COMMITTEE** TABLED **SB 307**, by motion, on **Monday, February 16, 2009**.


(For the Committee)


(Secretary of the Senate)

11:50 / 2/09
(Time) (Date)

February 16, 2009

Lindsey Hern, Secretary

Phone: 4814



SENATE STANDING COMMITTEE REPORT

February 17, 2009

Page 1 of 1

Mr. President:

We, your committee on **Natural Resources** recommend that **Senate Bill 437** (first reading copy -- white) **do pass**.

Signed: _____

Kelly Gebhardt

Senator Kelly Gebhardt, Chair

- END -

Committee Vote:

Yes 8, No 3

Fiscal Note Required ☐

SB0437001SC.sdr

NR



SENATE STANDING COMMITTEE REPORT

February 17, 2009

Page 1 of 1

Mr. President:

We, your committee on **Natural Resources** recommend that **Senate Bill 360** (first reading copy -- white) **do pass**.

Signed: _____

Kelly Gebhardt
Senator Kelly Gebhardt, Chair

- END -

Committee Vote:

Yes 9, No 2

Fiscal Note Required ____

SB0360001SC.sdr

OK



SENATE STANDING COMMITTEE REPORT

February 17, 2009

Page 1 of 2

Mr. President:

We, your committee on **Natural Resources** recommend that **Senate Bill 303** (first reading copy -- white) **do pass as amended.**

Signed: Kelly Gebhardt
Senator Kelly Gebhardt, Chair

And, that such amendments read:

1. Title, page 1, line 6.

Strike: "A"

Strike: "COUNCIL"

Insert: "COUNCILS"

2. Page 2, line 2.

Strike: line 2 in its entirety

3. Page 2, line 3.

Strike: "(c)"

Insert: "(b)"

4. Page 2, line 4.

Strike: "(d)"

Insert: "(c)"

5. Page 2, line 6.

Strike: "(e)"

Insert: "(d)"

6. Page 2, line 6.

Following: "means"

Insert: ", such as an evaluation of opportunities for storage of water by both private and public entities,"

7. Page 2, line 8.

Committee Vote:

Yes 10, No 1

Fiscal Note Required __

SB0303001SC.sdr

OK

Strike: "(f)"

Insert: "(e)"

8. Page 2, line 9.

Strike: "(g)"

Insert: "(f)"

9. Page 2, line 10 through line 11.

Strike: "that" on line 10 through "interests" on line 11

Following: "basin." on line 11

Insert: "(b) Each council consists of representatives of existing watershed groups or councils within the basin.

(c) The department shall attempt to ensure that each council is representative of all water interests in that basin."

10. Page 2, line 11.

Strike: "The"

Insert: "(d) Each"

11. Page 2, line 12.

Strike: "(b) The"

Insert: "(e) Each"

- END -

AUTHORIZED SENATE COMMITTEE PROXY

I request to be excused from Natural Resources Committee because of other commitments. I desire to leave my proxy vote with:

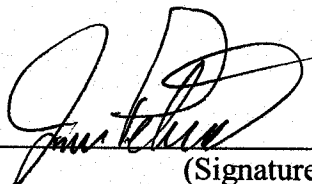
Sen. Perry

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT AYE NO

SB 451	✓	
SB 030601. ash	✓	
SB 306	✓	
Talbot SB 307	✓	
SB 437	✓	
SB 360	✓	
SB 030301. ash	✓	
SB 030302. ash	✓	
SB 030305. ash		✓
SB 303	✓	

BILL/AMENDMENT AYE NO

Sen. 
(Signature)

Date 2/16/09

MONTANA STATE SENATE

Visitors Register

Natural Resources Committee

Date 2/16

Bill No. 396 Sponsor(s) Story

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[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

**MONTANA STATE SENATE
Visitors Register**

Natural Resources Committee

Date 2/16

Bill No. ST 21 Sponsor(s) Curtiss

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Name and Address	Representing	Support	Oppose	Inf.
Fred Hodgeboom 1125 Whispering Pines Blvd Butte, MT	Montanans For Multiple Use	✓		
Paula Hodgeboom	MTA MU	✓		
JIM DOYLE POB 1433 EUREKA, MT	MONTANANS FOR MULTIPLE USE	✓		
Ant West P.O. Box 123 Fortine, MT	TEN LAKE Snowmobile club Montanans For Multiple Use	✓		
Josh Letcher 3987 W Rexford, MT 59930	Ten Lakes snowmobile club MFMU	✓		
Steve Curtiss Eureka, MT	Glen Lake Irrigation	✓		
STUART LEWIN 61534 AIA GE, MT	Self		✓	
TERRY CAIDWELL PARADISE, MT	SELF	✓		
Ron Olfert Dillon, MT	MT for Property Rights Senior Citizens	✓		
Kathleen Johnson POB 343 Fortine, MT 59938	Lincoln Co. Natural Resource Committee	✓		
Rhoda Cargill 59935 14776 Bull Lake Rd, Troy	Lincoln Co. Natural Resource Council	✓		
GREGG JOHNSON PO. BOX 343 FORTINE MT	LINCOLN CO. NATURAL RESOURCE COUNCIL	✓		
Clarice Ryan Bigfork 253 Pine Needle MT	Montanans for Multiple Use	✓		
GARY CALLEMAN 440 Fred To Market Rd Libby MT 59933	Self LENRE	✓		
Linda Curtis 3815 Mount Ave N3659804	Self	✓		
JAMES CURTIS 3815 17002 AVE N3659804	SELF	✓		
John Gatdell	MT Wilderness Assoc.		✓	
Tim RAVEN	MMUA	✓		
Jason Todhunter	MLA	✓		
Ellen Simpson	MWPA	✓		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

Don Allen

WETA

MONTANA STATE SENATE

Visitors Register

Natural Resources Committee

Date 2/16

Bill No. 437 Sponsor(s) Perry

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[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA STATE SENATE
Visitors Register

Natural Resources Committee

Date 2/16

Bill No. 440 Sponsor(s) Sehardt

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Name and Address	Representing	Support	Oppose	Inf.
LaDonna Waver 70 McKinley Rd, Great Falls			✓	
Helen Coleman St. Falls, MT	Kelthane		✓	
Tammie Lynne Smith 341 Highway 286, Great Falls			✓	
Jeff Monheim 3709 24th Ave S. G.F.			✓	
Jaybe Floyd 12 Home Lake Ln G.F.			✓	
Stewart Lewis 65 3rd Ave N, Great Falls	Self		✓	
Robert Nicholson Great Falls, MT	"		✓	
Charles Homer	MT DEQ			✓
AART Dolman	Citizen		✓	
Tim Rawall	Self			
Janet Ellis	MT Audubon		✓	
Carla Payne	Southern Montana Electric	✓		
Don Allen	WETA	✓		
Anne Hedges	MEIC		✓	
Keith Allen	IBEW 233	X		
Mark Agones	MT Trout Unlimited		X	
Sarah Cobber	MCU		X	
Dexter Bus	MRCT	✓		
Tim Rawall	Self	✓		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA STATE SENATE
Visitors Register

Natural Resources Committee

Date 2/16

Bill No. 451 Sponsor(s) Wanzemied

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Name and Address	Representing	Support	Oppose	Inf.
F. Patrick Crowley Helena MT	Self	X		
BARB BUTLER Billings, MT	City of Billings	X		
WEBB BROWN	MT CHAMBER	X		
MARK E NELSON	Lake County	X		
Ed BARTLETT	CITY OF BILLINGS	X		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.